

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Highlander Engineering  
208 East Pine Street  
Lakeland, Florida 33801

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: May 23, 2002

2. Name and address of receiving party(ies):

Name: **Borland Software Corporation**

Internal Address:

Street Address: **100 Enterprise Way**

City: **Scotts Valley, CA 95066-3249**

Additional name(s) & address(es) attached? ☐ Yes ☒ No

EXPRESS MAIL CERTIFICATE

Date 9/18/02 Label No. 18760012248  
I hereby certify that, on the date indicated above, this paper or  
fee was deposited with the U.S. Postal Service & that it was  
addressed for delivery to the Assistant Commissioner for  
Patents, Washington, DC 20231 by "Express Mail Post Office  
to Addressee" service.

J. DiJulio A. DiJulio  
Name (Print) Signature

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s): 09/747,353

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Darby & Darby P.C.

Internal Address: BRYAN F. MOORE

Street Address: Post Office Box 5257

City: New York State: New York Zip: 10150-5257

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

04-0100

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

BRYAN F. MOORE (52,044)  
Name of Person Signing

Bryan Moore  
Signature

Sept. 18, 2002

Date

Total number of pages including cover sheet, attachments, and document:

4

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

## ASSIGNMENT OF U.S. PATENTS

This ASSIGNMENT OF U.S. PATENTS (this "Assignment") is made by Highlander Engineering, Inc., a Florida corporation having its principal place of business at 208 East Pine Street Lakeland, FL 33801 ("Assignor") to, and for the benefit of, Borland Software Corporation, a Delaware corporation, with an address of 100 Enterprise Way, Scotts Valley, CA 95066-3249 ("Assignee").

WHEREAS, Assignor owns the patent applications set forth on Exhibit "A" hereto and incorporated herein by reference, which are pending in the United States Patent and Trademark Office (the "Assigned Patents"); and

WHEREAS, Assignee desires to purchase and acquire all of Assignor's right, title and interest in and to the Assigned Patents;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, Assignor does hereby sell, transfer, convey, assign and deliver to Assignee, and its successors and assigns, all of Assignor's right, title and interest in and to, including without limitation the right to make, use and vend, the Assigned Patents, together with any and all priority rights derived therefrom, inventions disclosed therein, patent disclosures and inventions (whether or not reduced to practice) and any and all patents or the like, and reissues thereof, which may be granted, and in all patents or the like which may be issued upon any substitute, divisions, continuations, extensions or improvements thereof and counterparts thereof in other countries; all rights to apply for registration and grant in other countries with full benefit of such priority as may now or hereafter be granted to it by law, treaty or other international convention; and all rights, interests, claims and demands recoverable at law or in equity, that Assignor has or may have in profits and damages for past, present and future infringements of the Assigned Patents or other patents or the like assigned to Assignee pursuant hereto, including, without limitation, the right to compromise, sue for and collect such profits and damages; all of the foregoing to be held and enjoyed by Assignee, and its successors and assigns or their legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment had not been made.

This Assignment shall be governed by, and construed in accordance with, the laws of the United States in respect to patent issues and in all other respects by the laws of the laws of the State of Delaware (without regard to principles regarding conflicts of law).

IN WITNESS WHEREOF, Assignor has caused this assignment to be duly executed as of this 22<sup>nd</sup> day of May, 2002.

HIGHLANDER ENGINEERING, INC.

By:   
Name: Kenneth R. Black  
Title: President

**EXHIBIT "A"**  
**PATENT APPLICATIONS**

<u>Title</u>	<u>Serial #</u>	<u>Date of Application</u>	<u>Country</u>	<u>Status</u>
1. System and Method for Logging Messages in an Embedded Computer System	09/747,504	12/21/2000	USA	Pending
2. System and Method for Adding Transport Protocols in Distributed Middleware Applications	09/747,353	12/21/2000	USA	Pending



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 26, 2001

PTAS



\*101721642A\*

JOHN T. WINBURN  
3343 PEACHTREE ROAD, SUITE 1600  
ATLANTA, GEORGIA 30326

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/08/2001

REEL/FRAME: 011779/0568  
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BLACK, KENNETH R.

DOC DATE: 04/23/2001

ASSIGNOR:

RODRIGUEZ, JORGE E.

DOC DATE: 04/23/2001

ASSIGNOR:

JENSEN, ROBERT M.

DOC DATE: 04/23/2001

ASSIGNOR:

CURREY, JONATHAN J.

DOC DATE: 04/23/2001

ASSIGNEE:

HIGHLANDER ENGINEERING COMPANY  
206 EAST PINE STREET  
LAKELAND, FLORIDA 33801-4967

SERIAL NUMBER: 09747353

PATENT NUMBER:

FILING DATE: 12/21/2000

ISSUE DATE:

RECEIVED BY DOCKETING

DOCKETED

7/31  
OP

JUL 31 2001

Morris Manning & Martir

011779/0568 PAGE 2

TARA WASHINGTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A  
Expires 06/30/99  
OMB 0651-0027



24728

PATENT - TRADEMARK OFFICE

05-18-2001



101721642

## RECORDATION FORM COVER SHEET PATENTS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

### Submission Type

- ☒ New
- ☐ Resubmission (Non-Recordation)  
Document ID#
- ☐ Correction of PTO Error  
Reel #  Frame #
- ☐ Corrective Document  
Reel #  Frame #

### Conveyance Type

- ☒ Assignment ☐ Security Agreement
- ☐ License ☐ Change of Name
- ☐ Merger ☐ Other

U.S. Government

(For Use ONLY by U.S. Government Agencies)

☐ Departmental File ☐ Secret File

### Conveying Party(ies)

☒ Mark if additional names of conveying parties attached

Name (line 1)  Kenneth R. Black

Execution Date  
Month Day Year  
 4-23-01

Name (line 2)  Jorge E. Rodriguez

### Second Party

Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

### Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1)  Highlander Engineering Company

Name (line 2)

Address (line 1)  206 East Pine Street

Address (line 2)

Address (line 3)  Lakeland  
City

Florida  
State/Country

33801-4967  
Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

### Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

FOR OFFICE USE ONLY

05/17/2001 6TON11 00000191 09747353

01 FC:581

40.00 OP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

**Correspondent Name and Address**

Area Code and Telephone Number

(404) 233-7000

Name John T. Winburn

Address (line 1) 3343 Peachtree Road, Suite 1600

Address (line 2) Atlanta, Georgia 30326

Address (line 3)

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

# 4

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

**Patent Application Number(s)**

09/747,353

**Patent Number(s)**

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**

Enter PCT application number

PCT

PCT

PCT

only if a U.S. Application Number has not been assigned.

PCT

PCT

PCT

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$

40.00

Method of Payment:

Enclosed ☒

Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# N/A

Authorization to charge additional fees:

Yes ☐

No ☐

**Statement and Signature**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.*

John T. Winburn

Name of Person Signing

Signature

Date





FORM PTO-1619C  
Expires 06/30/99  
OMB 0651-0027

RECORDATION FORM COVER SHEET  
CONTINUATION  
PATENTS ONLY

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**

**Conveying Party(ies)**

☐ Mark if additional names of conveying parties attached

Enter additional Conveying Parties

Name (line 1) Robert M. Jensen

Execution Date  
Month Day Year

4-23-01

Name (line 2) Jonathan J. Currey

Execution Date  
Month Day Year

Name (line 1)

MAY 08 2001

Name (line 2)

Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

**Receiving Party(ies)**

☐ Mark if additional names of receiving parties attached

Enter additional Receiving Party(ies)

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

**Patent Application Number(s)**

**Patent Number(s)**


## **ASSIGNMENT**

---

WHEREAS, we, **KENNETH R. BLACK**, a citizen of the United States, residing at 5017 Log Cabin Drive, Lakeland, Florida 33810; **ROBERT M. JENSEN**, a citizen of the United States, residing at 4406 Log Cabin Drive, Lakeland, Florida 33810; **JORGE E. RODRIGUEZ**, a citizen of the United States, residing at 716 Spanish Main Drive, Apollo Beach, Florida 33572; and **JONATHAN J. CURREY**, a citizen of the Great Britain, residing at 515 Young Place, Lakeland, Florida 33803; (hereinafter **ASSIGNORS**) have invented certain inventions and improvements disclosed in a patent application entitled "**SYSTEM AND METHOD FOR ADDING TRANSPORT PROTOCOLS IN DISTRIBUTED MIDDLEWARE APPLICATIONS**", filed in the United States Patent and Trademark Office on December 21, 2000, and assigned Application Serial No. 09/747,353; and

WHEREAS, **HIGHLANDER ENGINEERING COMPANY**, a corporation of the State of Florida having a principal place of business at 206 East Pine Street, Lakeland, Florida 33801-4967, is desirous of acquiring an interest in the same;

NOW, THEREFORE, for and in consideration of Five Dollars (\$5.00) and other good and valuable consideration, the receipt and sufficiency of which they hereby acknowledge, the **ASSIGNORS** by these presents do sell, assign and transfer unto **HIGHLANDER ENGINEERING COMPANY**, the full, exclusive and entire right, title, and interest in and to said patent application, and in and to all inventions and improvements disclosed and described in said patent application;

For the same consideration, **ASSIGNORS** do sell, assign, and transfer to **HIGHLANDER ENGINEERING COMPANY**, the full, exclusive, and entire right, title and interest in and to any foreign application or applications corresponding to said patent application, in whole or in part, in countries other than the United States, in and to any Letters Patent and similar protective rights granted on said foreign applications, and in and to the right to claim any applicable priority rights arising from or required for said foreign applications under the terms of

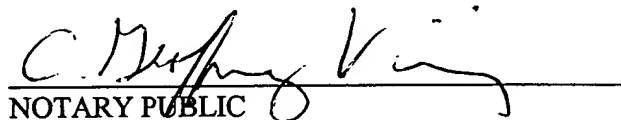
any applicable conventions, treaties, statutes, or regulations; said foreign applications to be filed and issued in the name of **HIGHLANDER ENGINEERING COMPANY** or its designee insofar as permitted by applicable law.

AND, for the same consideration, **ASSIGNORS** agree to sign all lawful papers, execute all foreign and other applications, make all assignments and rightful oaths, and generally do everything possible to aid **HIGHLANDER ENGINEERING COMPANY** its successors, assigns, and nominees, to obtain and enforce proper protection for all said inventions and improvements in all countries throughout the world.

  
\_\_\_\_\_  
Kenneth R. Black

STATE OF FLORIDA

Before me, a Notary Public in and for the State of Florida, on this 20<sup>th</sup> day of April, 2001, personally appeared **Kenneth R. Black**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

  
\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

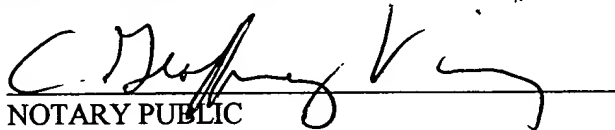
My Commission Expires:

**C. GEOFFREY VINING**  
Notary Public, State of Florida  
My comm. exp. June 8, 2003  
Comm. No. CC843544

  
Robert M. Jensen

STATE OF FLORIDA

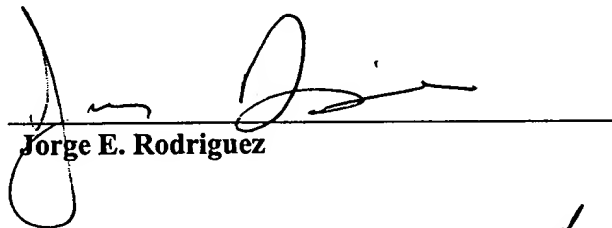
Before me, a Notary Public in and for the State of Florida, on this 23<sup>rd</sup> day of April, 2001, personally appeared Robert M. Jensen, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

  
NOTARY PUBLIC

(SEAL)

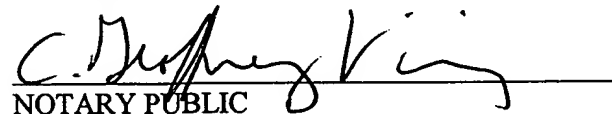
My Commission Expires:

C. GEOFFREY VINING  
Notary Public, State of Florida  
My comm. exp. June 6, 2003  
Comm. No. CC843544

  
Jorge E. Rodriguez

STATE OF FLORIDA

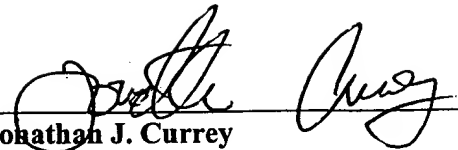
Before me, a Notary Public in and for the State of Florida, on this 23<sup>rd</sup> day of April, 2001, personally appeared Jorge E. Rodriguez, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

  
NOTARY PUBLIC

(SEAL)


My Commission Expires:

C. GEOFFREY VINING  
Notary Public, State of Florida  
My comm. exp. June 6, 2003  
Comm. No. CC843544

  
Jonathan J. Currey

STATE OF FLORIDA

Before me, a Notary Public in and for the State of Florida, on this 23<sup>rd</sup> day of April, 2001, personally appeared **Jonathan J. Currey**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.

  
NOTARY PUBLIC

(SEAL)

My Commission Expires:

MMM Docket: 10839-31939

C. GEOFFREY VINING  
Notary Public, State of Florida  
My comm. exp. June 8, 2003  
Comm. No. CC843544